

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

AUGUSTA DIVISION

JAMES BAUGH,)	
)	
Plaintiff,)	
)	
v.)	CV 118-122
)	
JOHN and/or JANE DOES, Two Unknown)	
Lab Technicians; DOCTOR YOUNG;)	
MS. POWELL, Medical Director; and,)	
RUTHIE SHELTON, Deputy Warden of)	
Care and Treatment,)	
)	
Defendants.)	

ORDER

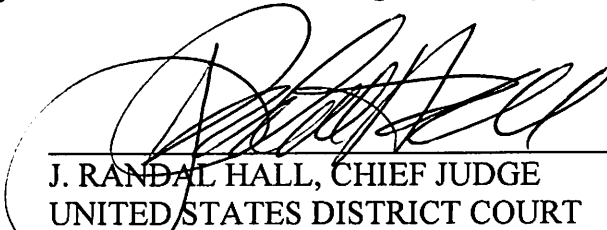
After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which objections have been filed (doc. no. 20). The Magistrate Judge recommended dismissing the case without prejudice as a sanction for Plaintiff providing dishonest information about his filing history. (See doc. no. 18.) Plaintiff does not deny he filed the undisclosed cases identified by the Magistrate Judge, but he asks that the Court excuse his mistake. The Court declines to do so.

The plain language of the complaint form explains a prisoner plaintiff must disclose his prior filing history. (Doc. no. 15, pp. 15-17.) Plaintiff contends he was not blatantly dishonest with the Court because he forgot about the undisclosed lawsuits as a result of taking mental health medication. (Doc. no. 20, p. 1.) The argument rings hollow in light of

his sudden ability to remember the details of dismissal of one of the cases identified by the Magistrate Judge, as well as his clarity of recall concerning the presiding Judge in a third case Plaintiff failed to disclose from thirty years ago. (Id. at 1-2.) As the case law cited in the Report and Recommendation makes clear, failing to disclose prior filing history will not be tolerated, and the Eleventh Circuit has repeatedly approved of dismissing a case without prejudice as a sanction. (See doc. no. 18, pp. 4-5.)

Accordingly, the Court **OVERRULES** Plaintiff's objections, **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice as a sanction for Plaintiff's abuse of the judicial process, and **CLOSES** this civil action.

SO ORDERED this 28th day of November, 2018, at Augusta, Georgia.



J. RANDAL HALL, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA